IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 5719 of 2006(E)

PETITIONER:

PHILOMINA. P.T., SECRETARY
(SPECIAL GRADE), MEENACHIL GRAMA PANCHAYATH,
P.O. EDAMATTOM, KOTTAYAM DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

1.STATE OF KERALA, REPRESENTED BY
THE SECRETARY, P.W.D., THIRUVANANTHAPURAM.

2.THE DIRECTOR, LOCAL FUND AUDIT,
THIRUVANANTHAPURAM-695 033.

3.THE DEPUTY DIRECTOR,
LOCAL FUND AUDIT, KOTTAYAM.

BY GOVT. PLEADER MR.K.J.MOHAMMED ANSAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(W.P.C.NO.5719 OF 2006)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE SURCHARGE NOTICE DATED 28.4.2004 ISSUED BY JOINT DIRECTOR OF LOCAL FUND AUDIT.

EXT.P2: TRUE COPY OF THE SURCHARGE CERTIFICATE DATED 19.11.2004.

PIUS C. KURIAKOSE,J.

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W.P.(C)No.5719 of 2006

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Dated: 23rd March, 2007

JUDGMENT

Heard both sides.

2. My attention was drawn by the counsel for the petitioner to the judgment of this court in W.P.C.No.23800 of 2003 wherein a learned Single Judge of this court noticing Rule (ii) of the Kerala Local Fund Audit Rules, 1994 held that charge/surcharge certificates served on the persons responsible beyond a period of four months from the date of the charge/surcharge notice will be illegal. It is clear on perusing Exts.P1 and P2 that in this case also certificate is issued beyond a period of four months from the date of the surcharge notice. Since the issue is covered by the judgment of this court in W.P.C.No.23800 of 2003, the Writ Petition is only to be allowed. Accordingly, Ext.P2 is quashed and the Writ Petition is allowed.

srd **PIUS C.KURIAKOSE, JUDGE**